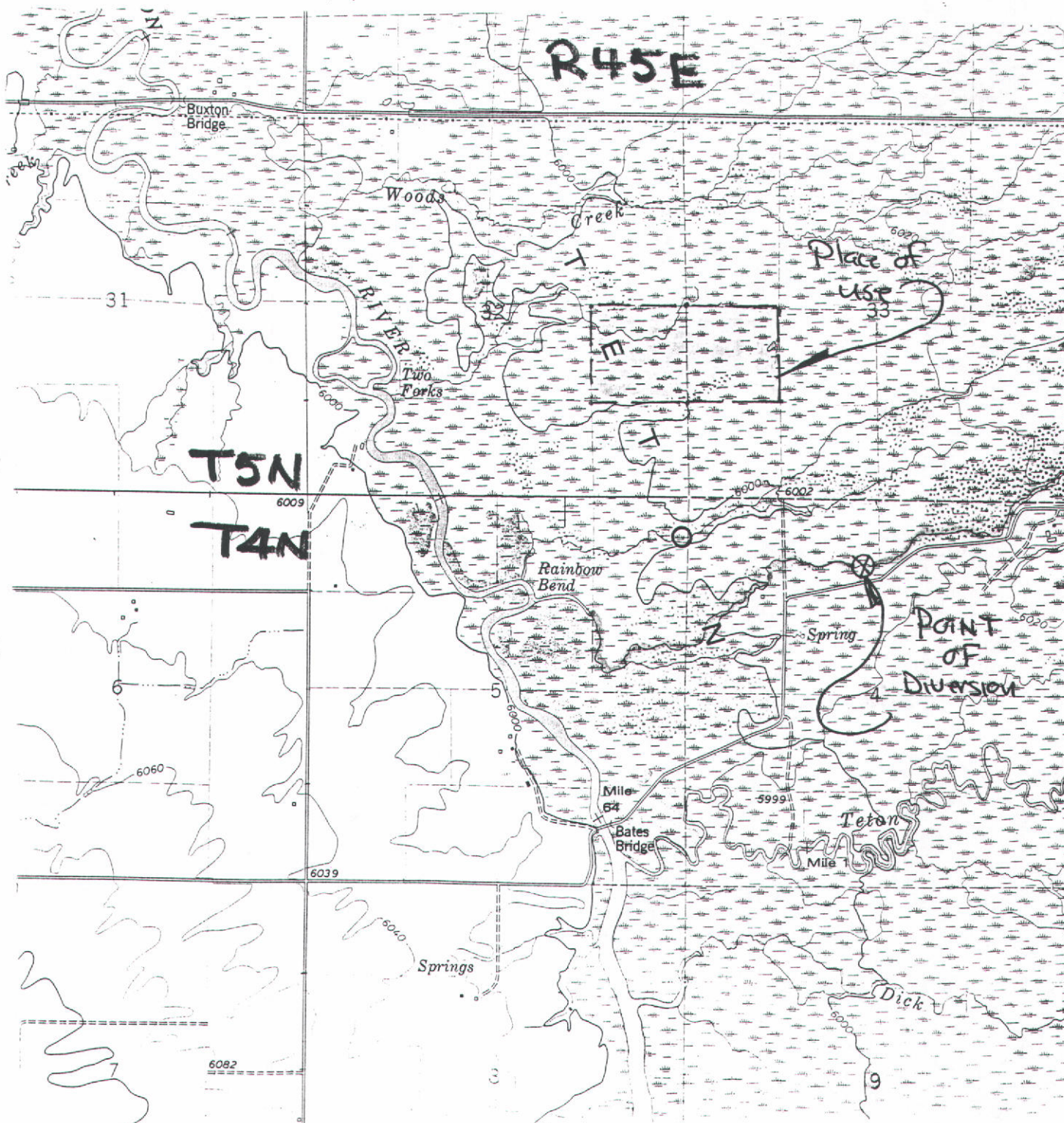


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

RECEIVED
MAR 24 1954

Department of Reclamation

Darrell C. Buxton and Mary Buxton)
husband and wife

Plaintiffs)

vs.

Lynn Crandall, Watermaster,)
District #36, Idaho

Defendant)

D E C R E E

This cause came on regularly to be heard before the Court, sitting without a jury, in Chambers, in the Court House at Idaho Falls, Bonneville County, State of Idaho, on this 19th day of March, 1954; plaintiffs appearing in person and by their attorney, H. S. Forbush; and the defendants appearing not, either in person or by counsel, and it appearing to the Court, from the records and files in this action, that the defendant was regularly served with process, and that a Notice of the Pendency of this action, containing such matter as are required by law, having been published in the Teton Peaks Chronicle, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho; in accordance with the Order issued out of this Court on the 4th day of February, 1954, and as required by law, and the time allowed by law for answering or appearing having expired, and the defendant or anyone for or on behalf of said defendant, having failed to appear or answer plaintiffs' complaint on file herein, and the default of said defendant having been duly and regularly entered, and the Court, having heard the evidence introduced by and on behalf of plaintiffs, and having duly considered the same, and being fully advised in the premises; and it appearing that each and all of the allegations in plaintiffs' complaint contained are true and correct.

STATE OF IDAHO,
County of Fremont,

I, Jack A. Stone Clerk of the District Court, and ex-Officio Auditor and Recorder, do hereby certify the above and foregoing to be a true and correct copy of that certain Decree as the same appears on the and of record in my office as Instrument No. — in Case # 5253

Witness my hand and seal of said office this 22 day of March, 1954

By Jack A. Stone

RECORDED

MAY 15 1956

Now, therefore, in consideration of the premises, and on motion of H. S. Forbush, attorney for plaintiffs,

IT IS ORDERED, that the default of said defendant be, and it is hereby entered against said defendant; and

22 0140 IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Darrell C. Buxton and Mary Buxton are entitled to, and are hereby awarded one and six-tenths feet per second (or 60 miners inches, more or less) of the waters of Woods Creek, with priority date of 19th day of March, 1908; for the irrigation of his real property, described in plaintiffs' complaint, and more particularly described as follows, to-wit:

The Northeast Quarter of the Southeast Quarter, Section Thirty-two, and the Northwest Quarter of the Southwest Quarter, Section Thirty-three, all in Township Five, North, Range Forty-five, E. B. M., situate in Teton County, Idaho,

and

It is further ORDERED, ADJUDGED AND DECREED, THAT THE foregoing adjudication of water be made subject only to the Decrees, in a certain action in the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, entitled "Rexburg Irrigation Company, et. al., Plaintiffs, vs. Teton Irrigation Canal Company, et. al., Defendants, "dated and filed December 16, 1910; in a certain action instituted in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs., Charles N. Foster, et. al., Defendants", filed on the 20th day of June, 1913, and the amended decree thereto, dated September 12, 1916, and filed September 21, 1916, and in a certain action, instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, Plaintiff, vs. Clark and Edwards Canal Company, a corporation, et. al., Defendants" dated the 25th day of June, 1929; and

RECORDED
MAY 15 1996

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendant, and all persons claiming by, through or under him, or either or any of his successors in office, and all persons claiming to have acquired any right or interest in or to or upon the said waters, hereinbefore Decreed, by through, or under any person whatsoever, except the Plaintiffs herein, be hereby enjoined and restrained from obstructing, or in anyway interfering with the flow of said waters, through the ditches of the plaintiffs.

DONE IN CHAMBERS, in the Court House at Idaho Falls, Bonneville County, Idaho, this 19th day of March, A. D. 1954.

Henry S. Martin
JUDGE OF THE DISTRICT COURT

MICROFILMED
MAY 15 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

January 14, 1999

RECEIVED

JAN 15 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HOPKINS RODEN CROCKETT HANSEN & HOOPES
TERESA STURM
PO BOX 51219
IDAHO FALLS ID 83405-1219

Department of Water Resources

RE: Application for Transfer No. 5360

Dear Sir:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

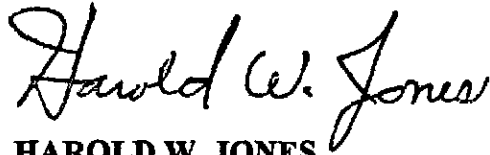
In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

JAMES OR JACKLYN OR JEFFREY KLAUSMANN
C/O JEFFREY KLAUSMANN
869 S 100 W
VICTOR ID 83455

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones". The signature is written in black ink and is positioned above the printed name and title.

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

cc: IDWR - State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 1999

JAMES OR JACKLYN OR JEFFREY KLAUSMANN
C/O JEFFREY KLAUSMANN
869 S 100 W
VICTOR ID 83455

RE: Application for Transfer No.: 5360

Dear Mr. Klausmann:

Enclosed please find a copy of the protest filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,
Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

cc: IDWR State Office

Receipt # E024720

RECEIVED

JAN 0 8 1999

**Department of Water Resources
Eastern Region**

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC
Teresa L. Sturm
428 Park Avenue
P. O. Box 51219
Idaho Falls, ID 83405-1219
Telephone: 208-523-4445
Attorneys for Protesting Parties

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

In the matter of Application for Transfer
Number 5360,

Water Right Number 22-00146.

WATER RIGHT No. 22-00146

NOTICE OF PROTEST

COME NOW Boyd Smith and Jill Smith, interested individuals, by and through their attorneys of the law firm of Hopkins Roden Crockett Hansen and Hoopes, PLLC, and in the accordance with the provisions of Idaho Code Section 42-222 et. sec, hereby protest the Application For Transfer relating to water right number 22-00146 filed by on or behalf of James Klausmann or Jacklyn Klausmann or Jeffrey Klausmann, (hereinafter referred to collectively as Klausmann) a true and correct copy of which Application For Transfer is attached hereto for ease of reference. This Notice of Protest is based upon the following:

NOTICE OF PROTEST- 1

1. Boyd Smith and Jill Smith (hereinafter referred to as Smiths) are the owners of that certain water right identified as water right number 22-11960. Smiths' water right is identified as a right to 3.2 cfs of irrigation water flowing from a source identified as "Driggs Springs and Swamp" with a priority date of May 11, 1900 all as is more particularly set forth in the profile report attached hereto for ease of reference.

2. Smiths' water right flows from that certain unnamed creek, commonly referred to as the Driggs Springs. The Application For Transfer referred to hereinabove proposes that the source for water claimed by Klausmann under water right number 22-00146, which water is presently diverted from Wood's Creek shall be diverted from the unnamed creek which flows through property owned by Smiths and supplies the Smiths' water right. The Application referenced above calls for a transfer not only of the point of diversion but a transfer of source as well.

3. The stream which produces water to satisfy the water right of Smiths runs only sufficient water to fill the Smiths' priority water right. Any further diversion by Klausmann or any other water user would substantially deplete the flow of water through the stream which provides water to the Smiths' property. The impact on the flow through the stream would deprive the Smiths of the water with which to fill their priority water right.

4. Klausmann apparently intend to utilize the water for purposes of establishing a wetland on their property. The transfer contemplated in the above-

referenced Application For Transfer constitutes an expansion of the water right held by Klausmann which expansion will detrimentally impact the prior water right of the Smiths.

5. The proposed change is not consistent with the conservation of water resources within the State of Idaho.

6. The proposed change is not in the local public interest as is defined in section 42-203 A(5) of the Idaho Code.

Respectfully Submitted this 8th day of January, 1999.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

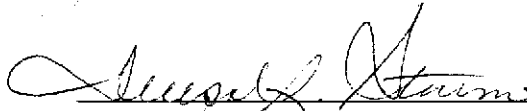


Teresa L. Stumm

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the person named below, at the address set out below his name, either by mailing of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to him; or by facsimile transmission.

DATED this 8th day of January, 1999.


Teresa L. Sturm

James Klausmann, Jacklyn Klausmann, and
Jeffrey Klausmann
869 South 100 West
Victor, ID 83455

☒ Mail
☐ Hand Delivery
☐ Facsimile
☒ Registered Mail

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5360
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT DEC 14 1998

PART 1

Department of Water Resources
Eastern RegionName of applicant JAMES or JACKLYN or JEFFREY KLAUSMANN Phone 208-787-4003 HPost Office address % Jeffrey Klausmann 869 S. 100 W. Victor ID 83455

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Source
2. Describe the reason for the proposed changes We want to use a spring source that flows thru our property and avoid the maintenance of our previous ditch system on our neighbors property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 22-00146 Priority 3/19/1908 Amount (cfs/ac-ft) 1.60 cfs Nature of Use Irrigation Period of Use 4-01 to 10-31
2. Total amount of water being transferred 1.60 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Unnamed Stream tributary to Teton River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	4	4N	4SE	Teton	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	4SE	32													30				30
		33										30							30

Total acres 60

PART 1

6. General Information:

a. Description of diversion system simple screwgate and culvert structure
EARTHEN FILL will be used to secure gate and culvert.

NA b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

NA. c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECEIVED

DEC 22 1998

Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 22-00146

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.60 CFS

SOURCE

WOODS CREEK

Priority: 03/19/1908

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	45E	32	NESE			
		33	NWSW			

CONDITIONS/REMARKS:

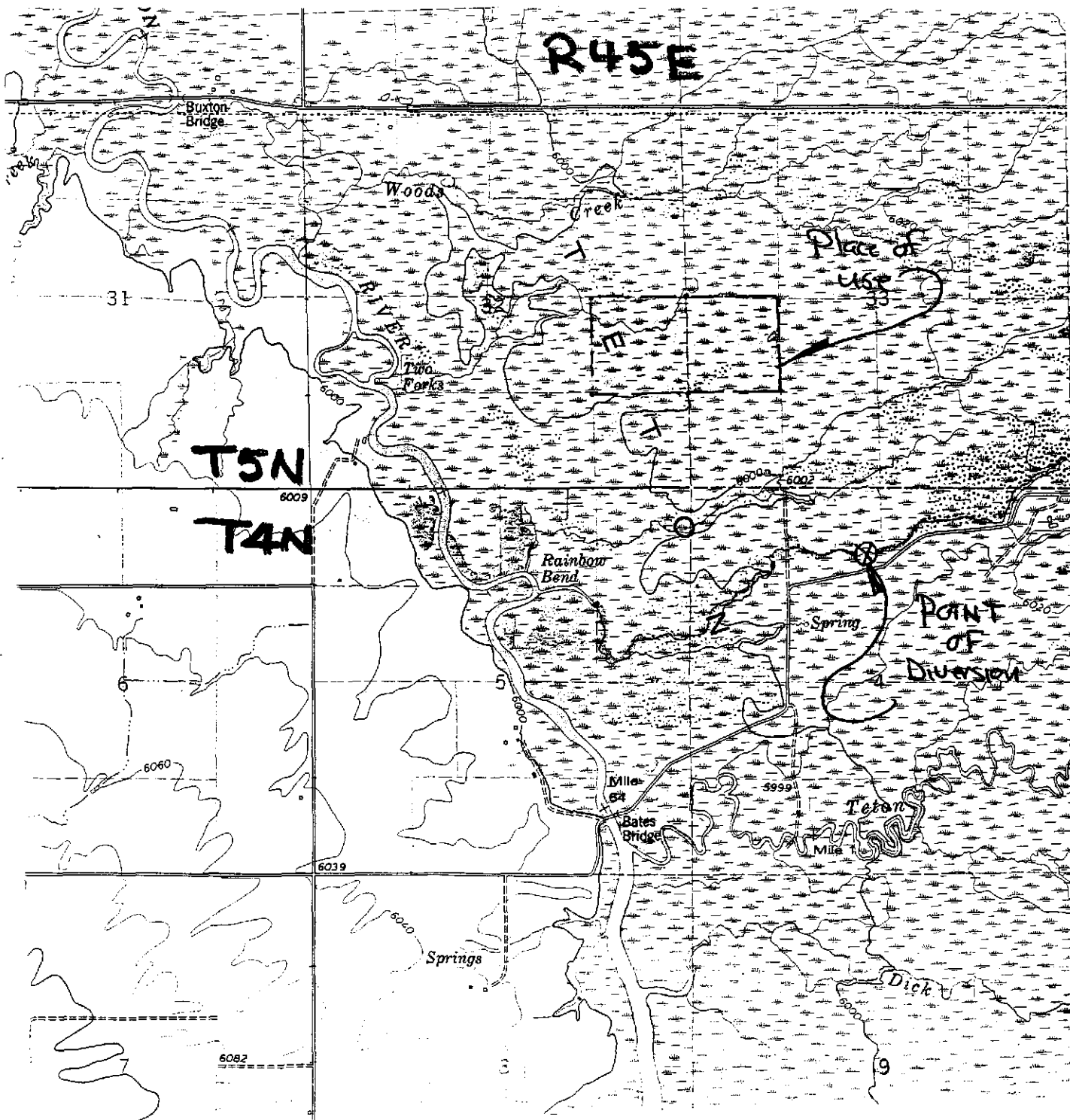
RECEIVED

DEC 22 1998

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 11th day of December, 19 98.

NORA RIGBY
NOTARY PUBLIC
STATE OF IDAHO

(Notary Public)

My commission expires 3/31/2001

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 12-14-98 Protest filed by _____

Prelim. check by _____ Fee \$100^{XX}

Receipted by HWT # E024675 Date 12-14-98

Published in Teton Valley News Copies of protest forwarded by _____

Pub. dates Dec 24 & 31, 1998. Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____